**IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH**
**AT HYDERABAD**

(Special Original Jurisdiction)

TUESDAY, THE SIXTEENTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

**THE HON'BLE MR JUSTICE V.V.S.RAO**

-

**WRIT PETITION No.23621 of 2003**

Between:

Vegi Sreenivas Rao, S/o. Siddaiah, Vice President,

Pasivedala Gram Panchyat, Kovvur Mandal, West Godavari District.

**..... PETITIONER**

AND

1 The District Collector, West Godavari District at Eluru.
2 The District Panchyat Officer, Zilla Praja Parishath,

West Godavari District at Eluru.
3 The Divisional Panchyath Officer, Kovvur Division,

West Godavari District at Eluru.
4 Smt. Kodi Venkata Laxmi, W/o. Matyam, aged about 35 years,

Sarpanch, Pasivedala Gram Panchyath,Kovvur, West Godavari District.

**.....RESPONDENTS**

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ of Mandamus, under Article 226 of Constitution of India, declaring the action of the Respondents 1 to 3 in not taking action against 4th Respondent on the representation made by me and others dt.24.06.2003 as being discriminatory, arbitrary, fraudulent and violative of the Statute and consequently direct 1st Respondent to conduct fullfledged enquiry, so as to prosecute 4th Respondent for the misappropriation of public funds while recovering the moneys misappropriated.

**Counsel for the Petitioner: MR.S.TULASI DAS**

**Counsel for the Respondent Nos.1 to 3: GP FOR REVENUE**

**Counsel for the Respondent No.4: MR. D. SREENIVAS**

**The Court made the following:**

ORDER:

The petitioner is Upa-sarpanch of Pasivedala Gram Panchayat of Kovvur Mandal in West Godavari District. He gave a representation to the first respondent on 24.6.2003 making various allegations against the fourth respondent, who is sarpanch, in vain. Therefore, he filed the present writ petition seeking a direction to the first respondent to conduct enquiry into the matter and take appropriate action against the fourth respondent.

Though the interlocutory application is listed today, the matter was heard finally with the consent of learned Counsel for the petitioner, learned Government Pleader for Revenue and learned Counsel for the fourth respondent.

A copy of the representation dated 24.6.2003 is enclosed to the writ petition, in which, it is alleged that the fourth respondent has completed the work of laying roads even though seven ward members opposed the move, that the sarpanch has drawn the amount more than the amounts recorded in the measurement book, and that the sarpanch has misappropriated the amounts out of 11$^{th}$ Finance Commission Funds and the fee collected for drinking water taps. These allegations are serious in nature. Therefore it would be proper if a direction is issued to the first respondent to conduct enquiry into the matter and take appropriate steps if there is any truth in the allegations made by the petitioner. This exercise may be completed within a period of eight weeks from the date of receipt of a copy of this order.

The writ petition, with the above observations and directions, is disposed of. No costs.

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November 16, 2004. **V.V.S. RAO,J**

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To

1 The District Collector, West Godavari District at Eluru.
2 The District Panchyat Officer, Zilla Praja Parishath,

West Godavari District at Eluru.
3 The Divisional Panchyath Officer, Kovvur Division,

West Godavari District at Eluru.
4 Two CCs to the Government Pleader for Revenue,

High Court Buildings, Hyderabad (O.U.T)

5 Two C.D. Copies.